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19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 RICHARD B. HOGUE,

22 Plaintiff,

23 vs.

24 ALLIED COLLECTION SERVICE, INC;
SELENE FINANCE, LLC; MOUNTAIN
25 AMERICA CREDIT UNION; SILVER
STATE SCHOOLS CREDIT UNION; IBEW
26 PLUS CREDIT UNION; EQUIFAX
INFORMATION SERVICES, LLC;
27 EXPERIAN INFORMATION SOLUTIONS,
INC,

28 Defendants.

CASE NO. **2:16-cv-01620-JCM-VCF**

**MOTION TO SEAL EXHIBITS TO
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 Plaintiff Richard Hogue (“Plaintiff”) moves under Nevada Local Rule 10-5 and Federal
2 Rule of Civil Procedure 5.2 for leave to file certain exhibits to his Motion for Partial Summary
3 Judgment against defendant Silver State Schools Credit Union (“Silver State”) under seal or
4 redacted in part, as described below.

5 6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 While courts recognize a general right to “inspect and copy public records and documents,
8 including judicial records and documents,”¹ access to judicial records is not absolute.² “[T]he
9 court may order that a filing be made under seal without redaction.”³ To seal documents attached
10 to a motion for summary judgment, a party must demonstrate a compelling reason to prevent
11 disclosure,⁴ which can occur when public records “become a vehicle for improper purposes, such
12 as the use of records to gratify private spite, promote public scandal, circulate libelous statements,
13 or release trade secrets.”⁵

14 While Plaintiff is unwilling to acknowledge that the circumstances of this case permit
15 Defendant Silver State categorical protection of all of the documents it has produced in discovery,
16 unique identifiers – such as full financial account numbers, social security numbers, and the like –
17 have been produced in discovery, yet have little relevance to prosecution of the case, and a
18 potential for great harm if widely disseminated. Plaintiff files under seal or redacts those portions
19 of exhibits and deposition testimony that the parties marked confidential in accordance with this
20 Court’s Protective Order.⁶

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26 ¹ *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 n.7 (1978).

27 ² *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

28 ³ Fed. R. Civ. P. 5.2(d).

⁴ *Kamakana*, 447 F.3d at 1178-79; *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092 (9th Cir. 2016).

⁵ *Kamakana*, 447 F.3d at 1178-79; *see also Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

⁶ *See* ECF Dkt. 19.

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CONCLUSION

For the foregoing reasons, Plaintiff requests that the motion to seal be granted as to the Motion for Partial Summary Judgment against Silver State.

Dated: July 10, 2017

Respectfully submitted,

/s/ Miles N. Clark

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Attorneys for Plaintiff

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 8-3-2017

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2017, and pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the foregoing **MOTION TO SEAL EXHIBITS TO PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT** was served via the U.S. District Court’s electronic filing system to all individuals entitled to receive service thereon.

/s/ Lucille Chiusano
An employee of Knepper & Clark LLC